



11-18-05

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11-18-05 Rec'd PCT/PTO 16 NOV 2005

PATENT DOCKET 206,972

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ORTIZ et al.

Examiner: Not Yet Assigned

Serial no.: 10/533,531

Group Art Unit: Not Yet Assigned

Filed: April 29, 2005

Title: METHOD OF TREATING A SUBTERRANEAN FORMATIONS TO  
ENHANCE HYDROCARBON PRODUCTION USING PROPPANTS

STATEMENT OF FILING BY EXPRESS MAIL 37 C.F.R. § 1.10

This correspondence is being deposited with the United States Postal Service on November 16, 2005 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ER842053607US addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450.

RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NON-PROVISIONAL APPLICATION

Mail stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dated: November 16, 2005

REMARKS

In response to the Notice to File Missing Parts of September 20, 2005 (copy enclosed) in above-captioned application, enclosed is a Declaration and Power of Attorney, executed by all of the inventors. The surcharge for late filing of the Declaration in the amount of \$ 130.00 is included in the check submitted herewith.

11/25/2005 ATRAM1

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FC:1617

130.00 DP

Respectfully submitted,

Thomas E. Spath  
Attorney for Applicants  
Reg. No. 25, 928



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,531	Isaias Ortiz	206,972

INTERNATIONAL APPLICATION NO.	
PCT/US03/37252	
I.A. FILING DATE	PRIORITY DATE
11/18/2003	11/18/2002

Abelman Frayne & Schwab  
 150 East 42nd Street  
 New York, NY 10017-5612

CONFIRMATION NO. 6315

## 371 FORMALITIES LETTER



\*OC000000017045888\*

Date Mailed: 09/20/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/02/2005
- Copy of the International Search Report filed on 05/02/2005
- Information Disclosure Statements filed on 08/23/2005
- Oath or Declaration filed on 05/02/2005
- Request for Immediate Examination filed on 05/02/2005
- U.S. Basic National Fees filed on 05/02/2005
- Priority Documents filed on 05/02/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/533,531	PCT/US03/37252	206,972

FORM PCT/DO/EO/905 (371 Formalities Notice)